

CLOSED,JURY,STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02562-RC**

CENTER FOR BIOLOGICAL DIVERSITY, INC. v.
ENVIRONMENTAL PROTECTION AGENCY
Assigned to: Judge Rudolph Contreras
Cause: 05:552 Freedom of Information Act

Date Filed: 11/29/2017
Date Terminated: 04/08/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY, INC.**

represented by **Jennifer L. Loda**
CENTER FOR BIOLOGICAL
DIVERSITY
1212 Broadway
Suite 800
Oakland, CA 94612
(510) 844-7136
Fax: (510) 844-7150
Email: jloda@biologicaldiversity.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Margaret E. Townsend
CENTER FOR BIOLOGICAL
DIVERSITY
P.O. Box 11374
Portland, OR 97211
(971) 717-6409
Fax: (503) 283-5528
Email: mtownsend@biologicaldiversity.org
ATTORNEY TO BE NOTICED

V.

Defendant

**ENVIRONMENTAL PROTECTION
AGENCY**

represented by **April Denise Seabrook**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2525
Fax: (202) 252-2599
Email: april.seabrook@usdoj.gov
TERMINATED: 12/12/2018
LEAD ATTORNEY

Johnny Hillary Walker , III
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2575
Fax: (202) 252-2599
Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE

DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2557
 Fax: (202) 252-2599
 Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/29/2017	<u>1</u>	COMPLAINT against ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5224927) filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons EPA, # <u>3</u> Summons U.S. Attorney General, # <u>4</u> Summons U.S. Attorney)(Townsend, Margaret) (Entered: 11/29/2017)
11/29/2017	<u>2</u>	Corporate Disclosure Statement by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 11/29/2017)
11/29/2017		Case Assigned to Judge Rudolph Contreras. (zsth) (Entered: 11/29/2017)
11/29/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 11/29/2017)
11/30/2017	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jenny L. Loda, :Firm- Center for Biological Diversity, :Address- 1212 Broadway, Suite 800, Oakland, CA 94612-1810. Phone No. - (510) 844-7136. Fax No. - (510) 844-7150 Filing fee \$ 100, receipt number 0090-5227711. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Attachments: # <u>1</u> Declaration Jenny L. Loda, # <u>2</u> Text of Proposed Order)(Townsend, Margaret) (Entered: 11/30/2017)
11/30/2017		MINUTE ORDER granting <u>4</u> Motion for Leave to Appear <i>Pro Hac Vice</i> : Pursuant to Local Civil Rule 83.2, it is hereby ORDERED that Jennifer L. Loda is admitted to represent Plaintiff <i>pro hac vice</i> in this case. SO ORDERED. Signed by Judge Rudolph Contreras on 11/30/2017. (lcrc1) (Entered: 11/30/2017)
12/20/2017	<u>5</u>	NOTICE of Appearance by Jennifer L. Loda on behalf of CENTER FOR BIOLOGICAL DIVERSITY, INC. (Loda, Jennifer) (Entered: 12/20/2017)
12/26/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/8/2017. Answer due for ALL FEDERAL DEFENDANTS by 1/7/2018. (Townsend, Margaret) (Entered: 12/26/2017)
12/26/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/06/2017. (Townsend, Margaret) (Entered: 12/26/2017)
12/26/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ENVIRONMENTAL PROTECTION AGENCY served on 12/6/2017 (Townsend, Margaret) (Entered: 12/26/2017)
01/08/2018	<u>9</u>	NOTICE OF SUBSTITUTION OF COUNSEL by April Denise Seabrook on behalf of All Defendants Substituting for attorney Joshua Kolsky (Seabrook, April) (Entered: 01/08/2018)
01/08/2018	<u>10</u>	MOTION for Extension of Time to File Response/Reply by ENVIRONMENTAL PROTECTION AGENCY (Seabrook, April) (Entered: 01/08/2018)
01/08/2018		MINUTE ORDER granting <u>10</u> Defendant's Unopposed Motion for Extension of Time: It is hereby ORDERED that Defendant shall file its response to Plaintiff's Complaint on or before February 9, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 01/08/2018. (lcrc1) (Entered: 01/08/2018)
02/09/2018	<u>11</u>	ANSWER to <u>1</u> Complaint, by ENVIRONMENTAL PROTECTION AGENCY.(Seabrook, April) (Entered: 02/09/2018)

02/12/2018		MINUTE ORDER: It is hereby ORDERED that the parties meet, confer, and submit a proposed briefing schedule on or before February 26, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 02/12/2018. (lcrc1) (Entered: 02/12/2018)
02/14/2018		Set/Reset Deadlines: Proposed Briefing Schedule due by 2/26/2018. (tj) (Entered: 02/14/2018)
02/26/2018	<u>12</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 02/26/2018)
02/26/2018		MINUTE ORDER: Upon consideration of <u>12</u> the parties' Joint Status Report and Proposed Schedule, it is hereby ORDERED that the parties shall file a further joint status report and proposed schedule on or before April 30, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 02/26/2018. (lcrc1) (Entered: 02/26/2018)
02/27/2018		Set/Reset Deadlines: Status Report due by 4/30/2018 (tj) (Entered: 02/27/2018)
04/30/2018	<u>13</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Loda, Jennifer) (Entered: 04/30/2018)
04/30/2018		MINUTE ORDER: Upon consideration of <u>13</u> the parties' Joint Status Report and Proposed Schedule, it is hereby ORDERED that the parties shall file a further joint status report on or before June 27, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 04/30/2018. (lcrc1) (Entered: 04/30/2018)
05/01/2018		Set/Reset Deadlines: Status Report due by 6/27/2018 (tj) (Entered: 05/01/2018)
06/26/2018	<u>14</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Loda, Jennifer) (Entered: 06/26/2018)
06/27/2018		MINUTE ORDER: Upon consideration of <u>14</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit a further Joint Status Report by August 10, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 06/27/2018. (lcrc1) (Entered: 06/27/2018)
06/27/2018		Set/Reset Deadlines: Status Report due by 8/10/2018 (tj) (Entered: 06/27/2018)
06/28/2018		Set/Reset Deadlines: Status Report due by 8/10/2018 (tj) (Entered: 06/28/2018)
08/09/2018	<u>15</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Loda, Jennifer) (Entered: 08/09/2018)
08/10/2018		MINUTE ORDER: Upon consideration of <u>15</u> the parties' Joint Status Report and Proposed Schedule, it is hereby ORDERED that the parties shall file a further joint status report on or before September 28, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 08/10/2018. (lcrc1) (Entered: 08/10/2018)
08/13/2018		Set/Reset Deadlines: Joint Status Report due by 9/28/2018. (hs) (Entered: 08/13/2018)
09/28/2018	<u>16</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Loda, Jennifer) (Entered: 09/28/2018)
09/28/2018		MINUTE ORDER: Upon consideration of <u>16</u> the parties' joint status report, it is hereby ORDERED that the parties shall submit another joint status report on or before October 28, 2018, unless by that time the parties have submitted a joint stipulation of dismissal. SO ORDERED. Signed by Judge Rudolph Contreras on 9/28/18. (lcrc1) (Entered: 09/28/2018)
09/28/2018		Set/Reset Deadlines: Status Report due by 10/28/2018 (tj) (Entered: 09/28/2018)
10/29/2018	<u>17</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Loda, Jennifer) (Entered: 10/29/2018)
10/29/2018		MINUTE ORDER: Upon consideration of <u>17</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit a further Joint Status Report on or before December 7, 2018, unless by that time the parties have submitted a joint stipulation of dismissal. SO ORDERED. Signed by Judge Rudolph Contreras on 10/29/18. (lcrc1) (Entered: 10/29/2018)

12/06/2018	<u>18</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Loda, Jennifer) (Entered: 12/06/2018)
12/07/2018		MINUTE ORDER: Upon consideration of <u>18</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit a further Joint Status Report on or before January 7, 2019, unless by that time the parties have submitted a joint stipulation of dismissal. SO ORDERED. Signed by Judge Rudolph Contreras on 12/7/18. (lcrc1) (Entered: 12/07/2018)
12/10/2018		Set/Reset Deadlines: Status Report due by 1/7/2019 (tj) (Entered: 12/10/2018)
12/12/2018	<u>19</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Johnny Hillary Walker, III on behalf of All Defendants Substituting for attorney April Denise Seabrook (Walker, Johnny) (Entered: 12/12/2018)
01/03/2019	<u>20</u>	MOTION to Stay by ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/03/2019)
01/24/2019		MINUTE ORDER granting <u>20</u> Motion to Stay: it is hereby ORDERED that this case is STAYED pending restoration of appropriations to the Department of Justice. It is FURTHER ORDERED that Defendant's counsel shall notify the Court promptly after Congress has appropriated funds for the Department of Justice. It is FURTHER ORDERED that all current deadlines for the parties shall be extended commensurate with the duration of the lapse in appropriations. It is FURTHER ORDERED that the status report previously due on January 7, 2019 shall be due within 7 days of the restoration of appropriations. SO ORDERED. Signed by Judge Rudolph Contreras on 1/24/19. (lcrc1) (Entered: 01/24/2019)
02/01/2019	<u>21</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Loda, Jennifer) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER: Upon consideration of <u>21</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit a further Joint Status Report on or before March 6, 2019, unless by that time the parties have submitted a joint stipulation of dismissal. SO ORDERED. Signed by Judge Rudolph Contreras on 2/1/19. (lcrc1) (Entered: 02/01/2019)
02/06/2019		Set/Reset Deadlines: Status Report due by 3/6/2019 (tj) (Entered: 02/06/2019)
03/06/2019	<u>22</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Loda, Jennifer) (Entered: 03/06/2019)
03/06/2019		MINUTE ORDER: Upon consideration of <u>22</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall submit a further Joint Status Report on or before April 5, 2019, unless by that time the parties have submitted a joint stipulation of dismissal. SO ORDERED. Signed by Judge Rudolph Contreras on 3/6/19. (lcrc1) (Entered: 03/06/2019)
03/07/2019		Set/Reset Deadlines: Status Report due by 4/5/2019. (tj) (Entered: 03/07/2019)
04/05/2019	<u>23</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Loda, Jennifer) (Entered: 04/05/2019)
04/05/2019	<u>24</u>	STIPULATION of Dismissal by ENVIRONMENTAL PROTECTION AGENCY. (Walker, Johnny) (Entered: 04/05/2019)
04/08/2019	<u>25</u>	ORDER approving <u>24</u> stipulation of settlement and dismissal. (Signed by Judge Rudolph Contreras on 4/8/19. (tj) (Entered: 04/08/2019)